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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,711	07/05/2001	Dana Corbo		4051

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STEPHEN E. FELDMAN, P.C.
12 East 41st Street
New York, NY 10017

EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,711

Applicant(s)

CORBO, DANA

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 February 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. All objections to the specification have been overcome by Applicant and are hereby withdrawn.

Information Disclosure Statement

2. All objections to the Information Disclosure Statement are hereby withdrawn.

Drawings

3. The drawings are objected to because of the issues noted on the attached Notice of Draftsperson's Patent Drawing Review. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-9, 22-25, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Don Best Sports.

Claims 1, 6, 11, 22: Don Best Sports provides sporting event odds and information for sports books in substantially real time. The DBS2K program uses the Internet to provide real time odds and information. Don Best Sports provides a means giving an alert when a predetermined occurrence takes place in connection with the odds. (Line Move Alerts.)

Don Best Sports provides a means for logging and tracking bets. (Bet Tracker) It provides a means for display of this information (i.e., computer monitor). There is a means for navigating the display in order to acquire information – see DBS Premium Service sample page. Applicant admits that Don Best Sports allows for the display of odds to be manipulated for more efficient use.

Claims 2, 23: Don Best Sports offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book.

Claims 3, 24: Don Best Sports provides a Line Move Feature that provides notification when the odds offered by a sports book change by a predetermined amount within a predetermined amount of time.

Claims 4, 9, 20, 25, 28: The DBS Premium Service sample page shows a menu made up of various buttons and the buttons are equipped with pull down menus.

Claim 7: Don Best Sports Bet Tracker allows the user to enter a bet and bet amount and provides a means for determining whether the bet was won or lost.

Claim 8: Don Best Sports Bet Tracker calculates and logs winnings and losses.

Claim 12: The DBS Premium Service sample page shows the display of casino columns. These appear to be customizable in that the user can choose to display different casino columns.

Claim 13: The DBS Premium Service sample page shows horizontal and vertical scrolling bars.

Claim 27: Don Best Sports provides sporting event odds and information for sports books in substantially real time. The DBS2K program uses the Internet to provide real

time odds and information. Don Best Sports provides a means giving an alert when a predetermined occurrence takes place in connection with the odds. (Line Move Alerts.) Don Best Sports provides a means for logging and tracking bets. (Bet Tracker) It provides a means for display of this information (i.e., computer monitor). There is a means for navigating the display in order to acquire information – see DBS Premium Service sample page. Applicant admits that Don Best Sports allows for the display of odds to be manipulated for more efficient use. Don Best Sports offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book enabling the user to get the information needed automatically.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 10, 21, 26, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports as applied to claim 1, 6, 11, 22, or 27 above, and further in view of Zinda et al. (US Patent Number 6,393,437).

Claims 5, 10, 21, 26, 29: Don Best Sports and Internet Explorer® teach the invention substantially as claimed. According to Applicant's disclosure, Don Best Sports is written in Java and not in C++. Java and C++ are extremely well known equivalents. Zinda, a patent concerning web development techniques, teaches that either language may be used

to develop web-based applications. (Col 4, 7-11) It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the C++ programming language instead of its well know equivalent Java in order to achieve the same functionality.

8. Claims 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Claim 14: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach a feature that turns a page every five seconds. The Human Factors Design Guide (page 8-46) states that “if automatically changing data must be read reliably and accurately, the rate of update should not be more than once per second.” It would have been obvious to one of ordinary skill in the art at the time of the invention to have turned the page every five seconds in order to allow the information to be read reliably and accurately.

Claims 15 & 18: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach using a color-coded display. The Human Factors Design Guide (page 8-50) states that color-coding (including highlighting) should be used to direct a user’s attention to something. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used color-coding or highlighting to direct the user’s attention to the display of odds.

Claim 16: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach moving the casino column by the click and drag method. The Human Factors Design Guide (page 8-62) teaches the click and drag

method of moving windows. This allows the user to take advantage of the pointing device (mouse) to move the window. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the click and drag method to move the casino columns in order to allow the user to take advantage of the pointing hardware.

Claims 17 & 19: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach resizing the casino columns to a custom setting. The Human Factors Design Guide (page 8-62) teaches allowing the user to resize windows. This allows the user to make the window the size the user prefers – including abbreviating the window to allow more windows to be displayed (i.e., more columns per page). It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed the user to resize the casino columns (including abbreviating the column to allow more columns to be displayed per page), so that the user can make the windows suit the user's preferences.

9. The Declaration under 37 CFR 1.132 filed 7 February 2003 is insufficient to overcome the rejection of claims 1-26 based upon Don Best Sports as set forth in the last Office action because: The declaration does not address the claimed subject matter. While Applicant goes to great length to describe how the current invention differs from the reference by downloading information that the reference does not, this feature is not claimed. The reference clearly discloses the **claimed** features. Applicant's discussion of the capabilities of JAVA and C++ is not convincing. These languages are well known to have equivalent functionality – as described in Zinda.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

April 18, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700